

HOUSE FILE 2021  
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**A BILL FOR**

1 An Act classifying text messaging while driving as reckless  
2 driving and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.277, Code 2009, is amended to read  
2 as follows:

3 **321.277 Reckless driving.**

4 1. Any A person who drives any vehicle in such manner as to  
5 indicate either a willful or a wanton disregard for the safety  
6 of persons or property is guilty of reckless driving.

7 2. A person shall not use a wireless handset to write, read,  
8 or send a text message while operating a motor vehicle.

9 a. For purposes of this subsection:

10 (1) "Text message" means a text-based electronic  
11 communication transmitted using the short message service  
12 (SMS), a wireless telephone service, or an electronic  
13 communication network.

14 (2) "Wireless handset" means a handheld portable electronic  
15 or computing device capable of transmitting data in the form of  
16 a text message. "Wireless handset" includes but is not limited  
17 to a cellular telephone or personal digital assistant.

18 b. A person who violates this subsection commits reckless  
19 driving.

20 3. Every A person convicted of reckless driving shall  
21 be is guilty of a simple misdemeanor.

22 EXPLANATION

23 This bill prohibits a person from using a wireless handset  
24 to write, read, or send a text message while operating a motor  
25 vehicle.

26 "Text message" is defined as a text-based electronic  
27 communication transmitted using the short message service  
28 (SMS), a wireless telephone service, or an electronic  
29 communication network. "Wireless handset" is defined as a  
30 handheld portable electronic or computing device capable of  
31 transmitting data in the form of a text message. The term  
32 includes a cellular telephone or personal digital assistant.

33 A person who engages in text messaging while operating a  
34 motor vehicle commits reckless driving. Pursuant to current  
35 law, reckless driving is a simple misdemeanor, which is

1 punishable by confinement for no more than 30 days or a fine  
2 of at least \$65 but not more than \$625 or by both. If a  
3 reckless driving violation results in serious injury to another  
4 person the driver is guilty of a class "D" felony. A class  
5 "D" felony is punishable by confinement for no more than five  
6 years and a fine of at least \$750 but not more than \$7,500.  
7 If the violation results in the death of another person, the  
8 driver commits homicide by vehicle, which is a class "C" felony  
9 punishable by confinement for no more than 10 years and a fine  
10 of at least \$1,000 but not more than \$10,000.

11 A person convicted of a class "C" felony for homicide by  
12 vehicle or a class "D" felony for serious injury by vehicle  
13 is not eligible to be admitted to bail while appealing the  
14 conviction. A person who is convicted of both homicide by  
15 vehicle and failure to stop and remain at the scene of the  
16 accident is required to serve at least seven-tenths of the  
17 maximum term of confinement.

18 A person charged with homicide by vehicle is subject to  
19 driver's license suspension, and upon conviction the person's  
20 license is revoked. The class "C" and "D" felonies under the  
21 bill are included in the list of offenses to be considered for  
22 purposes of habitual offender status. A person who accumulates  
23 convictions for three or more specified motor vehicle operating  
24 offenses within a six-year period is considered a habitual  
25 offender and may be subject to driver's license revocation for  
26 at least two years and not more than six years.

27 Under current law, provisions relating to reckless driving  
28 apply to a motor vehicle operator on highways and elsewhere  
29 throughout the state and apply to road workers as well as  
30 motorists.